

Weare Conservation Commission
Minutes
September 14, 2005
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In attendance are: John Ciampi, Tom Carr, Steve Najjar, George Malette, Andrea Alderman, and Andy Fulton.

Guests include: Paul Morin, Linda Martin, Chris Bolton, and Mike Daulberg.

This meeting commenced at 7 PM.

1). Minutes of August 10, 2005 – The Commission read the draft minutes of last months meeting, and the following changes were made:

- In the first line of those in attendance, remove the comma after *George*.
- In topic #2, 4th line down, change *George and Andy both inquired...*, to *Paul, George and Andy inquired...*

Steve made motion to approve the changes proposed, and Andy 2nd. All members voted in agreement, and the approved minutes will now become the final version.

2). Wetland Applications:

- Linda Martin is here this evening to explain her proposal to install a seasonal dock on her property located on Cottage Rd., map 103, lot #7. Her request to DES is to obtain an expedited wetlands permit. The dock measures 4' x 20' and is planned to be installed in the center of the shoreline. Tom asked Ms. Martin if the lot is vacant, to which she replied, "Yes". Andy asked her if she has any designs to build a structure on site, and she answered, "No". Linda mentioned that the houses on Cottage Rd. belong to an association. Steve made motion to sign the application, and Andy 2nd. All voted in favor, and the motion carries.
- DES file #2005-00079 & 2005-00872, map 412, lots 168.3 & 168.4, on Colby Hill Rd., concerning AJD Construction & Steven and Cynthia Johnson: wetlands permit and restoration plan approved.
- DES file # 2005-01884, Weare School District, map 203, lot 100: application received complete.
- DES file # 2005-01288, Concord Stage Development, LLC, River Rd. subdivision, map 409, lot 59: request for further information/explanation.

3). Planning Board:

- Mt. Willian Inc. – Lot line adjustment and subdivision plan on 1225 River Rd., map 409, lots 4.001 & 67.002. Chris Bolton represented this plan to the Commission. Mr. Bolton explained to the Commission that he submitted a similar plan last year in which he proposed to construct a town road through this subdivision, but revised the plans because he does not want to bring the lots completely up to River Rd., and he did not have 200' of frontage unless he built a town road. After considering comments from the Commission, and taking in account the economics involved, he decided to increase the lot size on both lots, and to extend the lots out to River Rd., eliminating the need to construct a town road. The lots are zoned commercial, and the footprints of the lots are positioned over an aquifer. The previous configuration submitted last year was approved by the Commission which included the town road

- proposal. Mr. Bolton added that nothing else on the plans have changed – the entrance way, interior roads, the culverts. Comments to Planning – no issues.
- Homes For a Lifetime – Map 408, lot # (), located on Route 149. This subdivision was proposed as a standard design, but has been changed to a cluster in order to move a lot line away from the wetland, in which now the closest distance will be 40". This development will incorporate 5 lots, and the open space buffer will be part of the open space. Stone walls were used as boundary lines as much as possible. Comments to Planning are: allow the 100' buffer to be eliminated on lot 408/69 along Rt. 149 since the "buffer" encompasses the front yard and part of the existing house; on the final Mylar for recording , show the driveway location on lot 4 going around the wetland to avoid any "mistakes" at the time of development; it was stated to the WCC that the land being transferred to the lot abutting on the West would have a deed restricting the transferred land from being used for further subdivision.
 - Arthur F. Sicillano represented a conceptual plan on Huntington Hill Rd, property owned by John Nelson, located on tax map 406, lot 65, comprising 95.3 acres. Tom stepped down from this presentation due to professional involvement. The plan here is to construct a road from River Rd. to Huntington Hill Rd, and then to connect Huntington Hill Rd. to Bart Clough Rd., upgrading Huntington Hill Rd. meet town standards. There is a wetlands crossing across Huntington Hill Rd. which currently employs a culvert. Huntington Hill Rd. is currently classified as a class 6 road, and proposed to become a class 5. This property has about 350' road frontage on River Rd. Steve commented on how a cluster design would suit this concept. Comments to Planning include: the eventual plan should consider an open bottom span for the stream crossing; observation – the parcel is one lot on Huntington Hill Rd. Since a cluster development should be considered for future development, how would the Planning Board handle the 50% open space with respect to the road?
 - Ms. Beverly Townes, map 403, lot 19, located on Route 77 & Sugar Hill Rd. N, has plans for a subdivision, as is presented this evening by Michael Dalhberg as a LLS. This property consists of 48 acres, with about 400' road frontage on Rt. 77, and about 1000' road frontage on Sugar Hill Rd. N. The owner wants to develop 4 conventional lots, leaving the rest for future consideration. This parcel lies in the Rural Agricultural Zone along with the Conservation Overlay District, which obligates the minimum lot size to double that of the Rural Agricultural Zone, which would be 4.9 acres per lot. All the subdivided lots meet this requirement. No new roads are proposed. A 12.5 acre piece a property will remain forever as open space because of inaccessibility. Some discussion ensued on the actual intent of the Conservation Overlay District, which also generated some disagreement on this issue. The homes are to be constructed on the fields of the property. Steve stipulated he would like to review a cluster design, while Mr. Dalhberg argued that the property owners already have had their lot sizes restricted by the Overlay District. George Malette stated that the design as presented meets all the requirements of all ordinances that exist. Tom mentioned that the design that goes to the registry can only show 5 lots per year according to the Growth Management Ordinance. There is a minimum of 15 acres required for conservation land when considering a cluster design. As Mr. Dalhberg presented, if this property were developed as currently proposed, there could legally ultimately comprise 7 house lots; but if it were to have a cluster design, 9 house lots would have to be considered. George stated it is his understanding that a cluster design must be considered on property with more than 15 acres, and 3 lots or less wouldn't necessitate a cluster development. Steve made motion that this issue come forward as a cluster design, and Andy 2nd. All voted in the affirmative, except for one "ney", (George). Issues to Planning: the WCC voted that a cluster concept be presented; after a fairly heated discussion the WCC as a majority felt that, under the

current ordinance, the developer is required to present a cluster as well as a standard concept for preliminary review. We would like input from Planning on how to proceed with the review since this proposal does not involve the entire parcel.

- Ferrate Property – Tom stepped down from discussion of this plan due to professional involvement. This plan was presented to the Commission by Arthur Sicilliano, and proposes a standard design on 186 acres. Steve asked why this plan wasn't coming in as a cluster, and Art responded that it would be too overwhelming for a developer because of restrictions on the building permits, for instance, roads that will need to be built and bonded. Art stated the when this project goes before Planning, the lot line adjustments will be presented first. There will be 490 sq. ft. of wetland filling on account of a road. The lot sizes will vary from 2.5 acres to over 3 acres. Tom was asked to comment on the nature/composition of the wetlands in concern, and he replied that one of the wetlands was created by logging and which has now become a jurisdictional wetland, and the other is poorly drained soil. George asked generically what a homeowner's recourse is if he has certain designs for his property, and a wet area cuts through his property, and Steve replied he needs to return to the Commission for further advice. Comments to Planning: is a cluster design required to be presented along with the standard proposal?
- Arthur Sicilliano – Property is located at the end of Pine Hill Rd., on tax map 202, lot 10.1, and the purpose of this plan is to delineate 8 lots, 4 on both sides of Pine Hill Rd. The WCC stated that the cluster design being presented this evening be pursued, and this layout presents a model cluster concept. The WCC will recommend to Zoning that the applicant be allowed to plat the 8 lots all at one time for Planning Board review. Further, the WCC will recommend to the Planning Board that the 100' buffer be relaxed to the distance of the Planning Board's discretion. Art also plans to place the open space into the deed. Steve made motion to accept this concept as a cluster, and, stating the 2nd part of this motion, "does the Commission recommend to Zoning that they allow a variance to allow the 8 lots be platted all at once, and to reduce the buffer to a limit recommended by Planning?" Andrea 2nd the motion and everyone voted "yeah". The motion carries, and the recommendations will be transmitted to the perspective boards. On another note, Art asked the Commission if he may retain logging rights on the property, to which the Commission gave him the nod. However, Tom cautioned Art to be sure the topography and slope of the terrain lend themselves to proper logging techniques.
- Robert & Gale Silva, Revocable Trust, And Joseph & Doris Lanctot, LLA on Rt. 114, tax lot 411/103, & 41/248. These lots are zoned differently, one commercial, and the other residential. After some discussion over intent and examination of the site plan, the Commission had no comments to Planning.

4). CIP Discussion – Paul Morin of the Planning Board presented an overview of the Capital Investment Program to the Commission this evening, and the highlights of his discussion are thus:

- Funds in the CIP can still be accessed even though there are adequate funds in the Conservation Fund.
- Utilization of this program could be difficult for the Commission because of the nature of its work in projecting future land purchases.
- The ability to expend funds from the Conservation Fund would not be affected.
- The CIP is considered a prioritization of what is needed to be expended by a department.

- The town legislative body has granted the Planning Board the authority to determine prioritization.
- The CIP can only be successful if all the departments buy into this concept.
- The CIP exists not as a fund, but as a plan.
- A possible example of CIP funding for the Conservation Commission is the Abijah Bridge project.
- No further approval is needed by the town voters once a balloted project is approved and funds are allocated to that project.
- The status of prioritization is determined by a subcommittee composed of two school board members, three citizens at large, and a Planning Board member.
- Tom agreed to comply with the CIP concept by doing research on this issue including inquiring which other towns are involved in this project, and how they are administering it.
- The obligations of the participants in this program are to be persuasive and to succinctly state their objectives before the subcommittee.
- The CIP deals not with wants, but with needs.
- Historically, the level of funding in the CIP has varied, from \$200K to \$800K.
- The Weare Highway Department is the model for the CIP program.
- Another option to secure funding, aside from the CIP, is the purchase of bonds.
- Tom avowed to engage in due diligence in this issue during the following nine months.

5). Other:

- Dirt Road Discussion – The Commission read the letter authored by Steve, and addressed to Laura Bruno, chairperson of the BOS. which made suggestions concerning paving town gravel roads. George spoke with Carl Knapp, town road agent, concerning this issue, and Carl told George that his main focus now is to maintain the existing infrastructure rather than creating new projects. Carl also related that he will send the Commission a copy of his 5 year planned projects. Additionally, Carl mentioned that gravel roads are more cost effective to maintain. Steve told the Commission members that his “dirt road” letter was based on hypothetical “what ifs”, and nothing more. The Planning Board also received a copy of this missive. The Commission concurs with the spirit of this letter.
- Open Space – Frank Bolton passed on the Commission’s offer to secure his property for conservation purposes. Discourse ensued on the Oliphant property, but despite a successful site by the WOSC, the Commission feels there isn’t much optimism for acquiring this property, or any part of it, for conservation purposes.
- Town Forest Manager – Tom has been in communication with BOS member Heleen Kurk on this matter, and it came to light that the town doesn’t need a designated Town Forest Manager. Selectman Kurk spoke with the town attorneys who advised her that the BOS should not appoint the WCC as overseer of the Town Forest because control already exists per the RSA’s. Heleen recommended that the Commission contact former Town Forest Manager, and ask him what were his assignments and when is the next management cutting due, and ask him if the services of a professional forester should be retained. Steve recommended getting a grasp on the current value of the Town Forest by comparing the recommendations of several forestry consultants concerning the overall health and present inventory of the Town Forest. Steve also suggested striving to secure the services of a forester for long term employ. Steve has a copy of all the registered foresters in the state. Tom

recommended that the Commission devise a forest plan and submit it to the BOS by years end.

- Town Hall Sign Usage – Can be used by all town departments, to make announcements, free of charge. Otherwise, there is a \$10.00 fee associated with this service.
- ATV Trail Site walk – A site walk is scheduled on 9-24 at 1PM for Commission members to inspect work recently done to the ATV trail for compliance per WCC recommendations. A letter will be sent to the BOS summarizing the outcome of the planned walk.
- AJD Construction – is under state order to rectify a wetland violation within a specific timeframe before the applied for building permit will be issued. Tom stated the Commission does not have the authority to rescind the cease and desist order currently applied to this site. George suggested not lifting the cease and desist order until the restoration plan is completed. Tom suggested leaving this situation as it stands, and if AJD doesn't comply, the WCC as well as the State will levy a penalty.

6). Adjournment – Andy made motion to adjourn this evenings meeting, and Steve 2nd. A vote was taken and everyone voted in the affirmative. With no further business to conduct, the meeting adjourned at 10:41 PM.

Respectfully Submitted,

John Ciampi
Recording secretary

cc: Tina Pelletier
BOS
Commission files
Town clerk